IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

CRP.No. 2448 of 2002()

CR.128/1973 of TALUK LAND BOARD, THIRURANGADI

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REVN. PETITIONERS/DEFENDANTS

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1. AREEKATT MOIDEENKUTTY, S/O. AHAMED HAJI,
P.O. KONDOTTY, MALAPPURAM DISTRICT.

2. AREEKATT KUNHALI HAJI, S/O. AHAMED HAJI,
P.O. KANNAMANGALAM, MALAPPURAM DISTRICT.

3. AREEKATT KUNHIMOIDEEN, S/O. AHAMED HAJI,
KANNAMANGALAM WEST, MALAPPURAM DISTRICT.

4. AREEKATT HASSANKUTTY, S/O. AHAMED HAJI,
KANNAMANGALAM WEST, MALAPPURAM DISTRICT.

5. AREEKATT PATHUMMAKUTTY, W/O.
T.K. MAMMAD KUTTY, P.O. VENGAZA, MALAPPURAM DIST.

6. AREEKATT THITHAACHUMMAKUTTY,
W/O. A. MOHAMMEDKUTTY @ BAPPU,
MALAPPUAM DISTRICT.

7. AREEKATT RUKHYIYA, W/O. CHAKEERI
AHAMMED, P.O. CHERUR, MALAPPURAM DISTRICT.

8. BEEPATHU, W/O. AREEKATT MOHAMMED,
MADATHIL HOUSE, KANNAMANGALAM,
MALAPPURAM DISTRICT.

9. ABDUL JALEEL, S/O. AREEKATT MOHAMMED,
MADATHIL HOUSE, P.O. KANNAMANGALAM,
MALAPPURAM DISTRICT.

10. MOHAMMED HAFSAL, S/O. AREEKATT MOHAMMED,
P.O. KANNAMANGALAM, MALAPPURAM DISTRICT.

11. AREEKATT KHADEEJA, W/O. T.K. MOHAMMED
ALI, CHETTIPADI, MALAPPURAM DISTRICT.

12. AREEKATT SHAMEEMA, W/O. ABDUL AZEEZ,
EDAVANNA, MALAPPURAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS/REPONDENTS
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1. TALUK LAND BOARD, THIRURANGADI.

2. STATE OF KERALA REPRESENTED
BY CHIEF SECRETARY, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER V.T.K. MOHANAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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C.R.P. No.2448 OF 2002

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Dated this the 6th day of June, 2007

O R D E R

This revision is preferred against the order of the Taluk Land Board, Thirurangadi in C.R.128 of 1973. The point of dispute between the parties is now narrowed down to an extent of .73 acres. Now the question to be considered is what is the total extent of land, to be taken into consideration for fixing the ceiling limit of the declarant in Sy.No.165 of Kannamangalam Village.

2. A perusal of the order of the Taluk Land Board would show that the land available in Sy.No.165 is only 4.76 acres and that land had already been taken possession of. So, if the declarant is having title to and possession of only 4.76 acres of land in Sy.No.165, then it may not be correct and proper to take an extent of 5.49 acres in that survey number to fix his ceiling area. Therefore the said matter requires consideration. In case the Board is able to find that 5.49 acres are available in Sy.No.165 and that the declarant is in possession, then he must be given an opportunity to file reoption with respect to 73 cents of land which is additionally required to be

surrendered by him by the Taluk Land Board.

Therefore the order to that extent is set aside and the matter is remitted back to the Taluk Land Board, Thirurangadi for consideration. The Board shall issue notice regarding date of appearance after receipt of records.

The civil revision petition is disposed of as above

M.N.KRISHNAN, JUDGE

Cdp/-